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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 GRACE WANG,

11 Plaintiff,

Case No. 2:10-CV-01741-KJD-PAL

12 v.

ORDER

13 US BANK, NA, *et al.*,

14 Defendants.

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16 Before the Court is the Motion for Reconsideration (#19) of Plaintiff Grace Wang.

17 Defendant US Bank and CCB Libor Series 2005-1 Trust (“Defendants”) have filed an opposition
18 (#20).

19 The background of this case is set forth fully in the Court’s June 7, 2009 Order (#17) granting
20 Defendants’ Motion to Dismiss. Plaintiff seeks reconsideration of that Order.

21 A Plaintiff may seek reconsideration pursuant to Fed. R. Civ P. 59(e) or 60(b). However, this
22 type of relief is warranted only if “extraordinary circumstances” exist. Maraziti v. Thorp, 52 F.3d
23 252, 255 (9th Cir. 1995), citing Ackermann v. United States, 340 U.S. 193, 199-201, 71 S.Ct. 209,
24 212-13, 95 L.Ed. 207 (1950); Waggoner v. R. McGray, Inc., 743 F.2d 643, 645 (9th Cir.1984). A
25 motion for reconsideration should not merely present arguments previously raised; that is, a motion
26 for reconsideration is not a vehicle permitting the unsuccessful party to reiterate arguments

1 previously presented. See Maraziti, at 52 F.3d 255; Beentjes v. Placer County Air Pollution Control
2 District, 254 F.Supp.2d 1159, at 1161 (E.D. Cal. 2003). In order for a party to demonstrate clear
3 error, the moving party's arguments cannot be the same as those made earlier. See Glavor v.
4 Shearson Lehman Hutton, Inc., 879 F. Supp. 1028, 1033 (N.D. Cal. 1994).

5 Plaintiff's single paragraph motion argues that Plaintiff's Complaint stated a claim that was
6 "apparently not ... conveyed with the upmost clarity." Plaintiff then provides a summary of the
7 argument previously made in opposition to the Motion to Dismiss. The Court understood Plaintiff's
8 claim and explained the reasons for granting the Motion to Dismiss in its June 7, 2009 Order (#17).
9 Plaintiff's Motion for Reconsideration does not cite any law or rule showing grounds for
10 reconsideration. Reconsideration should not be granted to a party "merely because he or she is
11 unhappy with the judgment." Khan v. Fasano, 194 F. Supp. 2d 1134, 1136 (S.D. Cal. 2001)

12 Accordingly, **IT IS HEREBY ORDERED** that Plaintiff's Motion for Reconsideration (#19)
13 is **DENIED**.

14 DATED this 9th day of December 2011.



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17 Kent J. Dawson
18 United States District Judge
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